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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Bausch & Lomb Incorporated
One Bausch & Lomb Place
Rochester, NY 14604-2701

EXAMINER	
PADGETT, MARIANNE L	
ART UNIT	PAPER NUMBER
1762	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/647,556	RASTOGI ET AL.	
	Examiner	Art Unit	
	Marianne L. Padgett	1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *5/17/2006, 1/24/2005, 11/20/03 & 8/25/03*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) *25-38* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 August 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/24/5,8/25/3,11/2*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Applicant's election with traverse of group I, method claims 1-24 in the reply filed on 5/17/2006 is acknowledged. The traversal is on the ground(s) that "a search of the Group I claim subject matter would include a search of the claim subject matter of Group II, therefore, search and consideration of all claims would not be burdensome". This is not found persuasive because for reasons pointed out in section 2 of the restriction mailed 5/15/2006, a search directed to the apparatus claims would require searching not required for the process claims, since substrate, process reagents & use/results are not part of the apparatus structure, thus requiring only overlap in searching and requiring different consideration for method and for apparatus claims. Applicant's above generic statement has not provided any refuting evidence. This is especially significant considering that there are really 3 different sets of plasma method claims, i.e. claims 1-11 employing spindles to hold lenses & claims 12-24 employing trays to hold lenses during the plasma processing, but with different plasma treatment schemes, such that a 6 way restriction probably would've been more appropriate, and may still be made if the processes diverge further.

The requirement is still deemed proper and is therefore made FINAL.

2. The drawings are objected to because are informal. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If

the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The disclosure is objected to because of the following informalities:

On page 6, lines 24-26 refer to figure 1 and "a spindle apparatus 30", however on reviewing the rough drawings in figure 1, no reference number 30 was found. It is noted that station 100 in figure 1 appears to be composed of two "spindles" (32 & 34), called upper and lower spindles. (From the context used and shown, plus considering dictionary definitions, "spindle" will be considered to encompass any rod or stick shaped device, which may be tapered at the end, which is used to hold objects such as the claimed lenses.)

On page 8 the last paragraph (lines 22-23+) discusses figure 3 as having "plasma heads 200", however as near as the examiner can tell from the rough informal drawings, there is nothing labeled 200 in figure 3. It does appear that there are three objects labeled 200 in figure 2, which is next to figure 3 on the drawing sheets, but not discussed on page 8 or anywhere else in the specification, except in the [brief descriptions of the] "DRAWINGS" on page 6.

Careful review of the reference numbers for drawings discussed in specification is recommended.

Appropriate correction is required.

4. Claims 4, 14, 20-21 & 23-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claim 4 the end of the claim reads "...conduits for applying a pressure or a vacuum to hold the lens or discharge the lens, respectively", which appears to mean that [gas] pressure is used to hold the lenses on the spindle, while vacuum is used to discharge the lenses from spindle, however page 6, lines

24-31 teach exactly the opposite, hence while claim 4 is an original claim so part of the original disclosure, there does not appear to be a disclosure in the body of the specification that discloses or enables the limitations of claim 4 as written, i.e. how does one hold by supplying pressure from an opening in the surface of the spindle that is supporting lens?

In the examiner's experience, terms "plasma heads" or "plasma generator heads" are not standardized or conventional terms in the plasma art that is always used in a consistent manner, hence the specification was reviewed to determine if an adequate definition of these claimed limitations was provided therein. None was found. It is noted that page 8, line 22 introduces "multiple plasma heads" but provides no definition. Figure 3 is said to illustrate plasma heads 200, but there is no 200 in the figure, however page 8 lines 26-28 refer to "heads" being "bars", however a "bar" *per se* is neither a plasma nor a means for making a plasma. In the discussion of figure 6 be on page 9, lines 25-29 the heads for this example are said to be anodes or cathodes given a particular orientation with respect to the lenses. This is not a clear definition of this nonconventional term. As the specification does not appear to provide a clear definition of what is intended by or what is the scope of "plasma heads" or "plasma generator heads", the claims that use these terms are not considered to be properly enabled, such that one of ordinary skill in the art could determine to what the claim is limited. In other words, from the specification is unclear whether "... heads" should be considered to include any apparatus or means that may be used to produce plasmas, or should it merely be considered an equivalent term for an electrode, and if so is its supposed to imply some particular shape of electrode, or is it inclusive of all shapes, or something else entirely?

5. Claims 4, 6, 11, 14 & 20--24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 is unclear, since it cannot be determined from the specification how one applies pressure from the support side to hold the lens, as it would logically push the lens off the support, or how one

respectively applies vacuum from the support side of the spindle in order to discharge the lens, when it would logically hold the lens. For these reasons the limitations of this claim as written appear to be unexaminable.

Claims 6 limits the plasma treatment time to "not more than about 10 seconds", however "about" includes values greater than 10 seconds which contradicts the "not more than" requirement, hence unless stated as alternatives, these requirements can be considered contradictory, i.e. --not more than are about 10 seconds-- would clarify the probable intended meaning.

In claim 11, it is unclear what "atmosphere" is being referred to, since one cannot have a plasma unless there is some sort of atmosphere present, which there will always be unless one truly has an absolute vacuum. It is noted that the phrase "atmospheric pressure" in claimed 10 has a standard recognized meaning, but the term "atmosphere" is generic and has not been adequately described or adequately given context in claim 11 in order to make this claim meaningful.

In claim 22, the preamble is not commensurate in scope with the body of the claim, because the preamble requires "simultaneously plasma treating multiple intraocular lenses or contact lenses", however the body of the claim never requires that more than one surface of one lens be treated at a time, since the two generating steps for the first and second glow discharge is are independent of each other and each generating step only requires that "one of the [other] exposed surfaces of the lenses" be treated. Hence, while the claim language does not exclude more than one lens being treated nor exclude the generating of the two of discharges at the same time, neither does it require those things, nor is the preamble's language required by any step in the body of the claim.

The scope of claims 14, 20-21 & 23-24 is unclear for reasons as discussed above in section 4, as they all contain some variation of the "... heads" limitation. Also in claims 23 & 24, is unclear how the newly introduced "glow discharge region(s)" relates to the "first glow discharge" & "second glow discharge" of independent claim 22, since these limitations while similar, are not necessarily the same or

even necessarily related, especially considering that the independent claim requires the lens to be "between a pair of plasma generating electrodes" (emphasis added), while the "glow discharge region(s)" of the dependent claims "are generated by an array of plasma generator heads" (emphasis added) which have no necessarily relationship to the "plasma generating electrodes" of the independent claim.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 12-13 & 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moorehead (5,503,515), optionally considering Peyman et al. (4,312,575).

Moorehead teachers using a tray to hold multiple contact lenses, with means to invert the contact lenses, i.e. rotate or flip them to their opposite side, between successive treatments. They particularly teach that this tray and process is effective for sequential plasma treatments, such that for example, the tray may be placed in the plasma chamber where the convex surfaces of the lenses are plasma treated to increase the hydrophilic properties, then the tray is removed and passed over an airstream that is positioned to flip the lenses so that the concave side is exposed, then the tray is put back into the plasma chamber in order to treat the newly exposed surface of the lens. See the abstract; figures; col. 1, lines 5-13 & 24-31; summary, especially col. 2, lines 34-56 & col. 3, lines 13-19; col. 4, lines 3-32.

While Moorehead teaches plasma, he does not provide suggestions of exactly what kind of plasma such as the claimed generic type of "glow discharge", nor is there a discussion of the relative location between the tray holding the lenses in the location of the plasma, except in that the tray is "placed in the plasma chamber", thus suggesting that it is an in situ plasma that is being employed, hence the plasma and envelope produced therein would have been expected to be proximate to the lenses on the tray. With respect to the type of plasma, given Moorehead's teaching of plasma, such as the exemplary increase of hydrophilic properties in a known manner, it would've been obvious to one of ordinary skill in the art to employ any conventional (i.e. known) type of plasma for affecting such surface modifications, of which the generic type, glow discharge plasmas, is a standardly employed type of plasma, which would have been expected to be effective for such plasma treatments. Alternately, Peyman et al. (abstract; figures; col. 1, lines 7-15; summary, especially col. 4, lines 33-40 & 50-55; col. 5, lines 40-59; col. 7, lines 20-38) teach a glow discharge plasma polymerization process to be applied to contact lenses in order to deposit a hydrophilic surface on the contact lens, hence such a plasma process would've been obvious to employ a given the primary references plasma teachings exemplified by a plasma creating hydrophilic surfaces, as it provides a specific plasma process for creating the exemplified effect. Also note that Peyman et al, as shown in figure 7-8 & discussed in example 1 on col. 8 provide a configuration

applicable to tray-shaped supports, which passes these lens supports and hence the lenses between two parallel electrodes (i.e. plasma heads).

Note with respect claim 18, where it is required that the lenses and the glow discharge travel together, that the limitation of this claim will it inherently be true, since all objects on this earth, which is moving through space are traveling together, and applicants' claim has no context to distinguish it from this traveling motion shared by all objects on earth. Any localize relative motions between individual objects on earth do not negate the traveling motion due to earth's movement.

As Moorehead does not discuss the details of plasma process within the plasma chamber, there is no disclosure as to whether the lenses on the tray in the plasma chamber are at rest or moving with respect to the plasma during all or part of the plasma treatment process, however it would've been obvious to one of ordinary skill in the art that the variously claimed motions and pausing, etc., would have been dependent on the particular type of plasma process treatment that was desired, i.e. whether it is a process only requiring a very short time or one requiring a longer time in order to accomplish the desired result. It would also depend on the economics and/or efficiency of a procedure, which would be dependent on what volume of lenses are required to be treated, i.e. smaller volumes are more likely to be more economically treated as batch processes, which are more likely to have pauses or stops employed, especially if successive treatments are performed in the same plasma chamber, while very large quantities are more likely to be performed as continuous processes, where success of plasma treatments would be performed in successive plasma chamber's with an assembly-line approach moving the taught support tray between processing sites. Applicant's individual claim of most general possible movement or stopping relationships have no context to give them any particular significance in and of themselves, and they are common and standard motions used dependent on particular processing circumstances, hence as claimed have no particular patentable significance.

Due to lack of clarity/enablement in applicants' specification, as discussed above & below "plasma generator heads" have various possible meanings, inclusive of simply being electrodes, hence use of any pair of electrodes could be considered an array as claimed.

8. Claims 14 & 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moorehead (5,503,515), in view of Peyman et al. (4,312,575), optionally further in view Heming et al. (6,025,013).

The above combination while teaching "to oppose electrode plates", i.e. parallel plate of electrodes, which can be considered a plurality (2 = plural) of "plasma heads" to the extent that term can be deciphered for meaning, does not teach the shape in which these plates are made, i.e. square or rectangular, however it would have been obvious to one of ordinary skill in the art to employ any shapes that appropriately cover the area through which the substrate holders are rotated, which would have been expected to include rectangular plates thus are inclusive of elongated shapes.

It would've been further obvious to one of ordinary skill in the art for the employed parallel plate of electrodes to be segmented, such as to provide localize plasma with respect to the particular substrate surface area is desired to be treated, as such would have been expected to require lower energy usages and decrease heating of the plasma treatment area, which could cause heat damage to temperature sensitive substrates (i.e. plastic lenses). Heming et al. (discussed below in section 11) particular notes the desirability/effectiveness of localized plasma treatment of cylindrical substrates such as lenses for various types of plasmas, including parallel plate type configurations with the substrate held between the electrodes in configurations analogous to Peyman et al., except where localize plasma at an individual lenses surface is desired, thus providing motivation for the individual treatment above and beyond the above suggested efficiencies or potential damage control of segmented parallel plate electrodes, due to taught effectiveness of individualized plasma delivery.

9. Claims 22-24 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Suzuki et al. (6,610,350 B2).

Due to above discussed uncertainties (sections 4 & 5), the scope or intent of number of limitations in these claims are uncertain, such that different interpretations may be read on as a 102 or a 103.

Suzuki et al. teach a process for treating multiple lenses, with each lens having a holder, where a variety of different holder designs are taught (figures 3-4, 7, 9-11, col. 10, lines 3-60; col. 11, lines 11-col. 12, line 51), which are inclusive of structures that could be called trays, where the holding structures are designed such that they supply support to the edges and prevent arcing at the edges during plasma treatment. A plasma head or heads, which generate plasma between electrodes, with the plasma situated such that gas flows between the two spaced electrodes and is jetted through an outlet and is jetted from the gas out let towards the spacing between the two electrodes (14 & 16), where the ophthalmic lens resides (figures 1-2, 5 & 8; col. 6, lines 3-16 & 57-col. 7, line 65, especially lines 12-23). Two arrangements are illustrated, such that in figure 2, one plasma head is employed to treat both exposed sides of the lens, or in figure 8, an array of two plasma heads are employed to treat opposite exposed sides of a lens. It is noted that while first & second glow discharges are claimed, there is no necessity that these are necessarily different glow discharge is, especially considering preceding claim language in claims 12 & 13, which indicate that when applicants uses language the same as in the presently treated claim 22, they are contemplating that first and second glow discharge is maybe the same, as indicated by claim 13, hence both the figures 2 & 8 (col. 8, lines 1-58 & col. 12, line 52-col. 13, line 45) illustrate plasma generation/plasma head configurations encompassed by claim 22. Suzuki et al. reads on the limitations of body at the independent claim 22, which only require one side of one lands to be treated at any one time, thus might be considered to read on all clear limitations within the scope claimed (i.e. the 102), however the preamble claim 22 requires plasma treating multiple lenses (inconsistent with body of the claim)

which differs from Suzuki et al., who only illustrate or explicitly discussed one lands being treated by the various plasma head configurations at one time. It would have been obvious to one of ordinary skill in the art that depending on the throughput required or desired, that one may have single or multiple rows of lenses in lens holders on a conveyor(s), with the taught plasma heads associated with each holder in a row across the conveyor, such that as the conveyor moves the line of lenses in the illustrated movement direction, successive rows of plural lenses would have been being treated simultaneously. This constitutes the difference between doing single or multiple like-operations, and is not considered a patently significant difference, lacking some unexpected results, which do not appear to be present.

In figure 8, one may consider or label one of the plasma heads "upper" and one of the plasma heads "lower" if one considers these adjectives to merely indicate differing positions with respect to the lens (i.e. upper = front surface of lens; lower = back surface of lens), however if one considers upper and lower to be with respect gravity (not necessitated by claim language), then Suzuki et al. does not necessarily teach the orientation of the items in figure 8, but unless the lens holders 68 are physically attached to the conveyor 66, 1 might assume that the conveyor is horizontal with neither plasma head being upper or lower with respect gravity. Alternatively, if the holders are attached to the conveyor, the orientation of the conveyor as either horizontal (holders upright or hanging) or vertical would have been usable orientations, where the holders passing between the illustrated pair of plasma heads would have had an upper and lower orientation, and where it would have been obvious to one of ordinary skill in the art to employ any operable orientation that was consistent with the embodiment illustrated in figure 8.

10. Claims 22-24 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Zimmerman et al. (5,211,759).

Zimmerman et al. teaches plasma polymerization coating of both sides of optical lenses via a process that employs a substrate holder that carries multiple lenses illustrated as planner, i.e. equivalent to a tray support, where the lenses are held by the edges, with the plasma produced by a pair of elongated

electrodes have upper and lower positions with respect gravity and that surround the substrates in the substrate holder, such that both sides are treated simultaneously. As noted above this pair of electrodes may be considered an array of two electrodes. See the abstract; figures, especially 1-2; col. 1, lines 7-21; col. 2, lines 1-39+; col. 3, lines 14-19; col. 4, lines 37-col. 6, line 35, especially col. 5, lines 2-20 & 58-66 and col. 6, lines 28-36. The teachings of Zimmerman et al. refer to optical lenses and ophthalmic lenses, but do not specifically refer to contact lenses or intraocular lenses, however the small class of types of lenses suggested by the taught terms would have been expected to include the specifically claimed types of lenses. Alternately, it would've been obvious to one of ordinary skill in the art that as these terms to suggest a very small group of species, especially as ophthalmic lenses particularly relate to those used for correction of eyesight, to employ the process for any of the known types of on a correction lenses, all of which are known for including multilayer coating processes in their production.

11. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heming et al. (6,025,013), in view of Dobner (5,969,793) and Zimmerman et al. (759).

Heming et al. teach treating circular symmetric substrates, such as lenses, via plasma processes that may treat both surfaces either in succession or simultaneously, where various plasma processes are taught to be useful inclusive of employing either high-frequency or microwave devices. When sides are successively coated a means for rotating the substrate may be employed, and each coated surface may have its own gas nozzle section for the plasma coating process. See the abstract; figures, especially 1-4; col. 8, lines 48-col. 10, line 18, especially col. 9, lines 24-38 & 53- 64, plus col. 10, lines 15-18; col. 11, line 10-col. 12, line 31+. While Heming et al. provide a substrate holder depicted as holding a single lens in an illustration that could be called a spindle, this spindle is not an electrode, and when used in rotating the lens does not transferred to another electrode/spindle (although it is noted that the "another spindle" of applicants claims does not actually require this other spindle to be an electrode). It would have been obvious to one of ordinary skill in the art that important concept as presented by Heming et al. is the

ability to coat both sides of a lens substrate, we're successive coating of one side and then the other may be affected by rotating or reorienting the lens. The use of different types of plasma devices, i.e. microwave or high-frequency, the latter of which includes AC, shows that a specific means of plasma excitation is not itself critical, but the ability to deliver plasma to the locale of the individual lens that is being plasma treated. Zimmerman et al. (discussed above; col. 4, lines 8-20; col. 5, lines 10-20 & 54-64, with figure 1 showing DC or RF generator symbols), teach strictly limiting the plasma to the vicinity of the substrate holder, which is consistent with the teachings of Heming et al., where the substrate holder also serves as a counter electrode. Hence, it would've been obvious to one of ordinary skill in the art, that for Heming et al.'s option of successive plasma treatments, use of opposed electrodes for single lens treatment, where the substrate holder is the counter electrode would have been expected to be effective as long as a known means of reorienting the lens for the successive plasma treatment of the untreated side was known.

Dobner (793) teaches a means for transferring and centering our orienting contact lenses via a spindle that uses vacuum and pressure for holding and releasing the lens, where the devices taught the specifically useful for moving the lens from the bold and for supporting it during edge treatment operations, but is further this ghost to be appropriate for use in transfer to and from any station where accurate positioning of the lenses desired. It is noted that as illustrated both the transfer device and amount for holding the lens at the treatment station may be effectively described as spindles. In Dobner see the abstract; the figures especially 1, 3-4; col. 1, line 8-col. 2, line 19+, especially col. 1 lines 18-21 & 34-57; col. 3, lines 25-col. 4, lines 7, especially 31-45 & bridging sentence). As Dobner suggests usefulness in any part of the lens treatment sequence that requires proper positioning, and Heming et al. requires such positioning including changing of sides for successive plasma treatments, it would have been obvious to one of ordinary skill in the art to employ a positioning/transfer device, such as taught in if Dobner as an alternative to Heming et al.'s rotary positioning/holding device when alternative

electrode/holding configurations are employed which would require such alternative means of affecting taught rotation, as Dobner provides a known effective means for such positioning as would be required as a holder/electrode combination as suggested by having et al. plus Zimmerman et al.

It is noted that while Dobner does not teach the nonenabled pressure vacuum relationship of claim for as written, it does teach the reverse relationship which is taught in applicants' specification, and probably what was intended for claim 4, hence Dobner et al. is tentatively applied due to the consideration that its teachings are probably what applicant intended.

With respect to claims specific times of plasma treatment, as presently claimed, the times have no context to give them any meaning, as the plasma is of no particular gas, required to have no particular effect, while treating a lens of unstated composition, i.e. the "not more than one minute" claimed is utterly meaningless due to the lack of context.

12. Other art of interest includes Valint, Jr. et al. (6,193,369 B1; abstract, col. 10, line 62-col. 13 line 5, especially col. 12, lines 12-37; and in example 1, col. 15 15, lines 9-23), who teach radio frequency glow discharge plasma treatment to provide hydrophilic coatings on lenses, with exemplary plasma treatment of lenses held by trays, where the lenses are flipped between sequential plasma treatments to affect treatment of both sides, but Valint Jr. et al. (369) does not discussed plasma electrode structure, except that the aluminum support that the tray may be placed on in the plasma apparatus can be an electrode. Valint Jr. et al. (369) may be considered to provide cumulative evidence to the rejections based on Moorehead (515), while a Valint Jr. et al. (6,213,604 B1; abstract; col. 3, line 7-col. 5, line 12; col. 9, line 46-col. 10, line 48, especially col. 10, lines 37-48; in examples 4-7, see col. 12, line 64-col. 13, line 25; col. 13, line 57-col. 14 line 6; col. 15, will claims 15-34; col. 16, lines 45-58, respectively; and claims) has teachings like those of Valint Jr. et al. (369), but with additional teachings of the lenses entrées being plasma treated between electrodes, thus making it equivalent to Peyman et al. as combined with Moorehead (515). Wolfson (4,122,942; abstract; figures 1-2; col. 2, lines 57-col. 4, line 61) is of

interest for glow discharge plasma treatment of contact lenses to produce hydrophilic surfaces, where the tray holding plural lenses is used for stationary batch processing, thus is also supported and cumulative to the rejections based on Moorehead (515).

Kubacki (4,096,315) teach a plasma process including simultaneous treatment of both sides of lenses; Winterton et al. (5,874,127) teach various configurations of plasma support for lenses, noting on col. 1, line 19 that ophthalmic lenses include contact lenses, supporting above assertions; Llanos (5,645,882) has further teachings of multiple plasma processes applied to contact lenses and IOL; Stafford et al. (6,581,761 B1) have further teachings of tray supports for use in lens coating and plasma processing; Danielzik et al. (6,916,512 B2) has teachings similar to Heming et al., showing spindle-like supports for substrates that may be individual lenses; and Jallouli et al. (2005/0208212 A1, not prior art) has further teachings of interest on lens substrate holders to be used in atmospheric plasma treatments.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne L. Padgett whose telephone number is (571) 272-1425. The examiner can normally be reached on M-F from about 8:30 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks, can be reached at (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

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8/2/2006

MARIANNE PADGETT
PRIMARY EXAMINER